

A. G. Contract No. KR880556TRD
ECS File: JPA-88-12
Project: VLT-900-959
Section: Homolovi Ruins Park

AMENDMENT TO
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE ARIZONA STATE PARKS BOARD

(Original Filing Number 12876)

THIS AGREEMENT is entered into May 12, 1989, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the ARIZONA STATE PARKS BOARD, acting by and through its Executive Director (the "Parks Board").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. Parks Board is empowered by Arizona Revised Statutes Section 41-511.05 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Parks Board.

3. The State and Parks Board entered into an Intergovernmental Agreement dated 2 May 1988 which is filed with the Arizona Secretary of State as number 12876 for improvements to the Homolovi Ruins State Park. Incident to those improvements, it has been determined that archaeological testing for the Park Visitor Center building site is required. The purpose of this agreement is to set forth the responsibilities of each party relative to the archaeological testing.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. State will:

a. Arrange for archaeological testing of the Park Visitor Center building site.

b. Invoice Parks Board actual cost of the work estimated to be \$6,707.19.

2. Parks Board will:

a. Reimburse State actual cost of the work.

b. Be responsible for contractor claims for extra compensation due to delays for work attributable by State to the Parks Board's portion of the work.

3. All other terms and conditions remain the same.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said testing; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the commencement of construction, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled by the Governor in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Engineering Consultants Services
205 South 17 Avenue, Room 118E
Phoenix, AZ 85007

Arizona State Parks Board
Facilities Planning and Development Manager
800 W. Washington St., Suite 415
Phoenix, AZ 85007

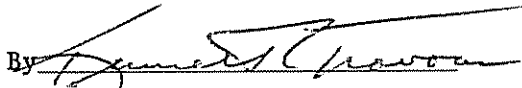
7. Attached hereto and incorporated herein by reference is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

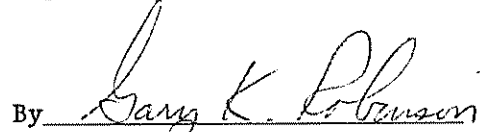
ARIZONA STATE PARKS BOARD

STATE OF ARIZONA

Department of Transportation

By 

Title Executive Director

By 

GARY K. ROBINSON

Chief Deputy State Engineer

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Ronald Pies, Member of the Arizona State Parks Board, 800 W. Washington, Phoenix, Arizona 85007, presented the following Resolution and moved its adoption:

RESOLUTION No. 87

By the Arizona State Parks Board
Authorizing the Execution of the Intergovernmental
Agreement with the
Department of Transportation

Under powers granted to the Arizona State Parks Board by ARS 41-511.05, BE IT **RESOLVED** on this 8th day of April, 1988, that **THE ARIZONA STATE PARKS BOARD** determines it is in the best interest of the State of Arizona to enter into an Interagency Agreement with the **ARIZONA DEPARTMENT OF TRANSPORTATION** wherein the **ARIZONA DEPARTMENT OF TRANSPORTATION** will improve various areas within Homolovi Ruins State Park including, but not limited to, drainage easements, construction easements, road rights-of-way, and the acquisition of such lands in the name of the Parks Board where necessary to accomplish such improvements. The Board designates as public highways the roads, spurs, and other traffic related appurtenances within Homolovi Ruins State Park for the purpose of constructing park related improvements under the Interagency Agreement, Project VLT-900-959.

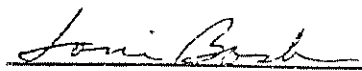
THEREFORE, authorization is hereby given to The Arizona State Parks Board Executive Director, or his designee, to sign said Agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.

After general discussion, the motion to adopt said resolution was seconded by Reese Woodling and was unanimously carried by the members present who are as follows:

Joni Bosh
M. Jean Hassell
Ronald Pies
Reese Woodling
William Roe

Thereupon, Joni Bosh, Acting Chair of the Arizona State Parks Board, declared that the Resolution had been adopted.

Attest: On April 8, 1988, the aforementioned Resolution was passed and adopted by the Arizona State Parks Board in Regular Session.


Joni Bosh, Secretary

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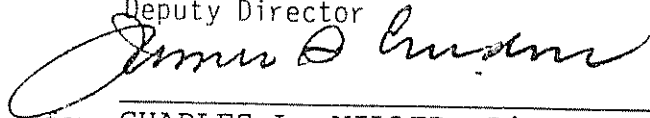
RESOLUTION

BE IT RESOLVED on this 18 day of Feb, 1988, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, enter into an agreement with the Arizona State Parks Board for design and construction of park roads, campsites and parking areas.

THEREFORE, authorization is hereby given to draft said agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.

JAMES S. CREEDON

Deputy Director



for: CHARLES L. MILLER, Director
Arizona Department of
Transportation



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. LR 88-0556-TRD, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 1st day of May, 1989.

ROBERT K. CORBIN
Attorney General

James R. Redman
Assistant Attorney General
Transportation Division